REGISTER

South Dakota Legislative Research Council

Volume 35 *Monday, 8:00 a.m., October 6, 2008*

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Secretary of State: (September 29, 2008) intends to amend the notary public application to reflect the employer/business name and address for individuals residing in an out-of-state county bordering South Dakota that do business in South Dakota and to revise the wording of the oath. Additional revisions to the notary public application include adding the bond number, removing the countersigned signature and the statement "Approved by the South Dakota Attorney General." The rules will repeal the forms for notary public notification of change of name and request to correct record and notary public notification of change of seal and request to correct record and adopt the consolidated form for notary public request to change record. The general authority for these rules, as cited by the office, is SDCL 18-1-1.

A public hearing will be held in the Secretary of State's Conference Room, Suite 204, State Capitol, Pierre, South Dakota, on October 20, 2008, at 8:30 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of State, Election Department, 500 East Capitol, Pierre, South Dakota 57501 or the proposed rules may be obtained at http://sdsos.gov/rulenotice.htm. Written comments must be received on or before October 30, 2008, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3537 at least 48 hours before the hearing.

Department of Revenue and Regulation: Business Tax: (October 3, 2008) intends to amend rules to correct the language of a rule and to comply with the Streamlined Sales Tax Agreement. The general authority for these rules, as cited by the department, is SDCL 10-45-47.1, 10-45-108, and 10-46-35.1.

A public hearing will be held in the Anderson Building, Room 109, 445 E. Capitol Avenue, Pierre, South Dakota, on November 4, 2008, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Revenue and Regulation, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185, or by emailing John.Richter@state.sd.us. Copies of the rules are also available at the department's website: http://www.state.sd.us/drr2/dec2BTrules.htm. Material sent by mail must reach the department by November 14, 2008, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-4701 at least 48 hours before the hearing.

NOTICE:

The **SOUTH DAKOTA LOTTERY** is ending instant ticket game numbers 295 – Four Leaf Lucky, 299 – Deadwood Nights, 304 – Winning Combination, 306 – Deal Or No Deal, and 313 – Kisses And Cash. The last day that prizes will be paid for these games is March 24, 2009.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION: 24:14:01:01 to 24:14:01:03, inclusive; 24:14:02:02 to 24:14:02:05.06, inclusive, 24:14:02:07, 24:14:02:09; 24:14:03:01.01 to 24:14:03:05, inclusive, 24:14:03:07 to 24:14:03:09, inclusive; 24:14:04:01 to 24:14:04:08, inclusive, 24:14:04:11 to 24:14:04:13, inclusive, 24:14:04:19; 24:14:05:01, 24:14:05:02, 24:14:05:07; 24:14:07:01 to 24:14:07:03, inclusive; 24:14:08:16, 24:14:08:19; 24:14:10:01, 24:14:10:04; 24:14:13:02, 24:14:13:04 to 24:14:13:06, inclusive; 24:14:14:01.01 to 24:14:14:04, inclusive, 24:14:14:07, 24:14:14:12 to 24:14:14:21, inclusive; 24:14:16:01 to 24:14:16:03, inclusive; and 24:43:01:01.

History-Notice: 35 SDR 55, Sept. 2, 2008
Hearing: September 15, 2008
Filed: October 2, 2008
Effective: October 22, 2008

DEPARTMENT OF LABOR: SOUTH DAKOTA RETIREMENT SYSTEM: 62:01:02:09, 62:01:02:10; 62:01:03:04; 62:01:06:07; 62:01:07:10; 62:01:09:07; 62:03:01:01; 62:03:02:05.01; 62:03:06:03.02; 62:03:07:01 to 62:03:07:07, inclusive; and 62:04:03:01.

History-Notice: 35 SDR 31, August 4, 2008
Hearing: September 3, 2008
Filed: October 2, 2008
Effective: October 22, 2008

DEPARTMENT OF REVENUE AND REGULATION: COMMISSION ON GAMING: 20:18:15:17 and 20:18:22:11.

History-Notice: 35 SDR 41, August 18, 2008
Hearing: September 10, 2008
Filed: October 2, 2008
Effective: October 22, 2008

DEPARTMENT OF TOURISM AND STATE DEVELOPMENT: STATE HISTORICAL SOCIETY: 24:52:05:02, 24:52:05:07; and 24:52:14:01.

History-Notice: 35 SDR 35, August 11, 2008
Hearing: September 5, 2008
Filed: October 2, 2008
Effective: October 22, 2008

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

10-15-2008	Social Services: Economic Assistance	Amend rules relating to the eligibility criteria for the Medical Services Program to specify what constitutes confidential information and establish the procedures to be followed when an individual or entity requests confidential information from the Department; when determining the value of a transferred asset,

		specify that the value of the transferred asset is the difference between the fair market value at the time of the transfer and the amount of compensation received, if any, unless the asset involved the purchase of a life estate or the purchase of stocks, notes, loans, or mortgages, in which case the Department applies the provisions of § 67:46:05:08.01 or 67:46:05:38, as applicable; clarify how the Department relates to the purchase of a life estate when the purchaser has lived in the home for a period of at least 12 consecutive months; specify those actions an individual (or someone acting on the individual's behalf) must take before the Department will consider waiving a period of ineligibility due to a transferred resource; when considering the value of life insurance policies, specify that the Department uses the face value of the policy and specify how the Department relates to dividends that revert to increase the policy death benefit and the cash surrender value; clarify that the Department treats an annuity as a resource first then, if the fair market value does not cause ineligibility, the purchase of the annuity is considered as a transfer of an asset; and require the Department to notify an individual of the right to request a waiver of the period of ineligibility when the individual is ineligible for long-term care assistance due to the value of home property; 35 SDR 72.
10-20-2008	Labor: Board of Accountancy	Amend rules to update references, amendments due to the computerization of the Uniform CPA Examination, clarification of lapsed license fees and late fees, and amendment to peer review to comply with the AICPA Peer Review Standards effective January 1, 2009; 35 SDR 72.
10-20-2008	Secretary of State	Amend the notary public application to reflect the employer/business name and address for individuals residing in an out-of-state county bordering South Dakota that do business in South Dakota and to revise the wording of the oath. Additional revisions to the notary public application include adding the bond number, removing the countersigned signature and the statement "Approved by the South Dakota Attorney General." The rules will repeal the

		forms for notary public notification of change of name and request to correct record and notary public notification of change of seal and request to correct record and adopt the consolidated form for notary public request to change record; 35 SDR 81.
10-21-2008	Human Services: Division of Rehabilitation Services	Amend Registration of Interpreters rules to add a notification procedure to the division and to the interpreter on any complaints received and an investigation procedure on those complaints; define the certification maintenance program and the certification maintenance cycle; repeal the rule regarding initial registration of South Dakota certified interpreter; add language to the EIPA certified interpreter initial registration regarding the length of time prior to registration that a rating was obtained; add language specifying the requirements that must be met to continue to be certified unless an extension is granted to the South Dakota or EIPA annual registration; add a rule allowing an extension on the certification maintenance cycle under certain circumstances; and increase the time period of when the hearing will be held from date of receipt of the request; 35 SDR 71.
10-24-2008	Revenue and Regulation: Appraiser Certification Program	Amend rules to establish the appraiser classifications that may supervise state-registered appraisers, establish the responsibilities of the state-registered and supervising appraiser, establish the requirements of a supervising appraiser, establish the application for and renewal process for supervisor approval, allow acceptance of case studies or practicum courses approved by state appraiser regulatory agencies, establish the educational requirements for state-registered, state-licensed and state-certified residential appraisers for upgrade to each higher classification, remove the time limit for education credit for state-registered appraisers, set up fees for supervisor approval application and renewal, institute disciplinary action authority for supervising appraisers failing to meet supervisory responsibilities, remove the requirement that a course must be approved in the state it is being offered in to receive acceptance by the

		secretary, and establish the requirement of a training course for supervisors and state-registered appraisers; 35 SDR 71
10-24-2008	Revenue and Regulation: Lottery Commission	Amend a rule to adopt changes to the Powerball and Power Play games recently approved by the 31 participating lotteries. These changes, to take effect after the drawing on January 3, 2009, include the addition of white ball numbers from 55 to 59 and deletion of red ball numbers from 42 to 39, changes in corresponding prize odds, increase in starting jackpot and making the match 5 prize with Power Play option a guaranteed $1 million; 35 SDR 77.
11-4-2008	Revenue and Regulation: Business Tax	Amend rules to correct the language of a rule and to comply with the Streamlined Sales Tax Agreement; 35 SDR 81.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, December 2, 2008, in LCR 1 & 2, Third Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2008 interim: January 12, 2009.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at ***http://legis.state.sd.us/rules/index.aspx***.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 35 are $25. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at http://legis.state.sd.us. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at **MyLRC** (http://legis.state.sd.us/mylrc/index.aspx).